

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ANDRE L BONDS,

Petitioner,

v.

PATRICK GLEBE,

Respondent.

CASE NO. C15-5204 RBL

ORDER GRANTING MOTION FOR
LEAVE TO APPEAL IFP

[DKT. #30]

THIS MATTER is before the Court on Petitioner Bonds' Motion for Leave to Appeal *in forma pauperis*. [Dkt. #30] This Court must determine whether his appeal is frivolous or taken in bad faith. *See* 28 U.S.C. § 1915(c).

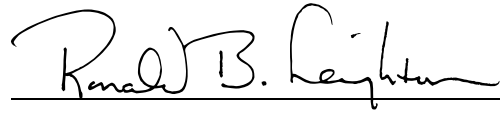
This Court adopted [Dkt. #26] Magistrate Judge Strombom's Report [Dkt. #22] recommending denial of Bonds' petition for habeas relief, because he failed to show that the state court's rulings violated clearly established federal law. This Court also adopted the Magistrate Judge's recommendation to DENY Bond a certificate of appealability because he did not make a substantial showing that he was denied a constitutional right.

A court should "deny leave to proceed *in forma pauperis* if it appears from the face of the proposed complaint that the action is frivolous or without merit." *Tripathi v. First Nat'l Bank &*

1 *Trust*, 821 F.2d 1368, 1369 (9th Cir. 1987) (citations omitted); *see also* 28 U.S.C.
2 1915(e)(2)(B)(i). While Bonds' claims are not viable, it cannot be said that they are frivolous, or
3 that he is acting in bad faith. His Motion [Dkt. #30] is therefore GRANTED; he shall be
4 permitted to appeal *in forma pauperis*.

5 IT IS SO ORDERED.

6 Dated this 11th day of February, 2016.

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9 Ronald B. Leighton
United States District Judge
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